

CC:ATF-12,736
T:JRW



21208

MEMORANDUM

March 1, 1971

to: J. F. McCarren
from: J. R. Wachter

subject: M-16 Receivers

Apparently the M-16 receiver is fabricated in two parts, and the Enforcement Division has determined that the lower portion should be considered the receiver, and, thus, a machine gun under 26 U.S.C. 5845(b). This matter was discussed in a conference attended by Mr. Powell and myself with Messrs. Darr, Westenberger, Scroggie, and, I believe, Mr. Wolfe, which included an examination of the weapon.

We were assured at that time that the lower portion comes closest to meeting the definition of frame or receiver in 26 CFR 178.11 although both parts were necessary to function as a "frame or receiver" in a machine gun.

I can see some difficulty in trying to make cases against persons possessing only the lower part of a receiver, but insofar as the licensing, serial numbering, and special occupational tax requirements are concerned, I feel that this is the only practical solution.

I recommend your approval.


J. R. Wachter

I Concur: W. T. Hare
W. T. Hare

Date: 3/2/71

Approved: JFM
J. F. McCarren

Date: 3/2/71

Internal Revenue Service

Exhibit "6"